Stacy Tolchin (CA SBN #217431)
Megan Brewer (CA SBN #268248)
Law Offices of Stacy Tolchin
234 E. Colorado Blvd., Ste 230
Pasadena, CA 91101
Telephone: (213) 622-7450
Facsimile: (213) 622-7233
Email: Stacy@Tolchinimmigration.com
Email: Megan@Tolchinimmigration.com

Counsel for Petitioner

**UNITED STATES DISTRICT COURT**

**SOUTHERN DISTRICT OF CALIFORNIA**

Nicolas CHILEL MONSON,

Petitioner,

v.

Markwayne MULLIN, Secretary, Department of Homeland Security; Todd LYONS, in his official capacity as Acting Director of U.S. Immigration and Customs Enforcement (ICE); Todd BLANCHE, Acting Attorney General of the United States; Gregory J. ARCHAMBEAULT, Field Office Director, San Diego, ICE Field Office; and WARDEN, Imperial Regional Detention Center,

Respondents.

Civil Case No.:

3:26-cv-03261-LL-DDL

PETITIONER'S TRAVERSE TO PETITION FOR HABEAS CORPUS

Hon. Linda Lopez
United States District Judge

Petitioner Nicolas Chilele Monson hereby submits his Travers in reply to Respondents' June 2, 2026 Return to his Petition for Writ of Habeas Corpus. Dkt # 4.

Respondents do not oppose an order for Petitioner to receive a bond hearing within 14 days. Dkt # 4. Petitioner, however, urges the Court to order his immediate release. While Petitioner is a member of the class in *Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, 2025 WL 3713987 (C.D. Cal. Dec. 18, 2025), *judgment entered sub nom Maldonado Bautista v. Santacruz*[1]; *Carmona-Lorenzo v. Trump*, No. 4:25CV3172, 2025 WL 2531521, at *2 (D. Neb. Sept. 3, 2025), the applicable orders are currently stayed in this district because it is the position of Respondents that such class members are subject to mandatory detention under 8 U.S.C. § 1225(b). *Lazaro Maldonado Baustista v. United States Department of Homeland Security, et al.,* No. 26-1044 (9th. Cir.), Dkt #5.1, 17. Because, as argued in the petition, this is incorrect, there is no proper basis to detain Petitioner, and he must be ordered immediately released. *See Maciel v. Noem*, No. 1:26-CV-01318-DC-CKD (HC), 2026 WL 496948, at *5 (E.D. Cal. Feb. 23, 2026) ("Here, Respondents contend that Petitioner was detained in December 2025 pursuant to section 1225(b)(2)(A) and have explicitly denied that he was detained under section 1226, or any

[1] The government's appeal in *Maldonado Bautista* is pending before the Ninth Circuit Court of Appeals. No. 5:25-CV-01873-SSS-BFM, Dkt #96. On March 6, 2026, the Ninth Circuit stayed the district court's February 18 order and stayed the December 18 orders outside the Central District. *Lazaro Maldonado Baustista v. United States Department of Homeland Security, et al.,* No. 26-1044 (9th. Cir.), Dkt #5.1, 17.

other basis. Because Respondents do not assert any alternative basis for Petitioner's detention, and do not provide any extenuating circumstances that would warrant Petitioner's continued unlawful detention pending a bond hearing, the court finds that the appropriate relief is Petitioner's immediate release."). S*ee also Andres Rodas-Dieguez Petr., v. Kristi Noem, Sec., Dept. of Homeland Sec., et al., Respondents.*, No. 3:26-CV-00976-RBM-MMP, 2026 WL 549910, at *1 (S.D. Cal. Feb. 26, 2026) ("The Court also agrees that Petitioner is entitled to immediate release"); *Xianjin Zheng, Petr., v. Jeremy Casey, in his official capacity as Warden of Imperial Regl. Adult Detention Facility, et al., Respondents.*, No. 3:26-CV-01110-RBM-BLM, 2026 WL 559780, at *1 (S.D. Cal. Feb. 27, 2026) (granting immediate release, citing *Maciel v. Noem*, No. 1:26-CV-01318-DC-CKD (HC), 2026 WL 496948, at *5 (E.D. Cal. Feb. 23, 2026)).

As indicated in the Petition, Petitioner alternatively requests that the Court order Respondents to provide him with a bond hearing within 7 days if the Court finds that he is detained pursuant to 8 U.S.C. § 1226(a).

Dated: June 4, 2026

Respectfully Submitted,

*S/Megan Brewer*

Law Offices of Stacy Tolchin
234 E Colorado Blvd, Ste 230
Pasadena, CA 91101
Telephone: (213) 622-7450
Facsimile: (213) 622-7233
Megan@Tolchinimmigration.com

Counsel for Petitioner